

U.S. Department of Justice



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

December 18, 2012

BY FAX

Honorable Laura Taylor Swain
United States District Judge
United States District Court
500 Pearl Street, Room 755
New York, New York 10007

Re: United States v. Peter Madoff
Docket No. S7 10 Cr. 228 (LTS)

Dear Judge Swain:

Please find enclosed eleven additional victim impact statements submitted to the Government. The Government has been contacted by one additional victim who would like to opportunity to speak at the sentencing of defendant Peter Madoff scheduled for December 20, 2012. The Government respectfully requests that the Court docket this submission and the attached letters from victims.

Respectfully submitted,

Preet Bharara
United States Attorney

By: Wendy Olsen Clancy
Wendy Olsen Clancy
Victim Witness Coordinator
(212) 637-1028

Enclosures

cc: Assistant United States Attorneys Lisa Baroni/ Julian Moore, w/attachments
United States Probation Officer Christopher Ferrall, w/attachments
Rusty Wing, Esq. (counsel for Peter Madoff), w/attachments

Olsen, Wendy (USANYS)

From: Marcia Ellis <mmellismaine@gmail.com>
Sent: Tuesday, December 18, 2012 3:44 PM
To: Olsen, Wendy (USANYS)
Subject: Impact statement for Peter Madoff Sentencing Hearing December 20, 2012

To Wendy Olsen

U.S. Department of Justice

US v Peter Madoff

Victim Impact Statement

Victim: Martin & Marcia Ellis

USAO Number: 2009R02082

Court Docket Number: 10-CR-00228

Four years ago on December 11, 2008 we were comfortably retired in Maine. The phone rang and it was my husband's daughter saying that we had lost all of our money due to a ponzi scheme engineered by Bernard Madoff, which our whole family was invested in, brothers, sisters, grandmothers, grandfathers, aunts and uncles, all lost everything.

From that point on, our present and future was impacted by the loss of capital and income, which was a direct result of this horrible plot devised by Mr. Madoff and company.

We were more than pleased when Bernard Madoff was sentenced to 150 years in jail and now that his brother Peter, one of his co-conspirators, faces jail, it is just and right.

In the past years, we had to file with the IRS amended returns due to this situation, and they were rejected and we were forced to appeal to the appeal division in Buffalo NY. The appeal process took over two years and their decision was to only give us 75% of what we should have received. Once again we were victimized.

Our now life is discount stores and living as inexpensively as we can. Will we be able to support ourselves in our "golden years" --we cannot bargain that reality away.

Victim: Jill & Nancy Miller
USAO Number: 2009R02082
Court Docket Number: 10-CR-00228

Peter Madoff

Insert the impact of the crime here (or, if a separate victim impact form is attached, please use that form to describe the impact of the crime):

We would like the Judge to know that we are very unhappy that his sentencing was postponed from Nov 9th to Dec 20th. This man was not using the time for getting his "tax" situation resolved he was out and about enjoying a leisurely lunch in an expensive upper eastside restaurant where many of his victims would like to eat but can't afford too. yet miraculously he can. I saw him personally eating in this restaurant. he has nerve showing his facing and flaunting his Freedom (extra). I hope he savored the food cause thats not what he will get in PRISON!

Victim: Eugene Woisk + Laura Stein
USAO Number: 2009R02082
Court Docket Number: 10-CR-00228

Insert the impact of the crime here (or, if a separate victim impact form is attached, please use that form to describe the impact of the crime):

My husband, Eugene Woisk, and I were luckier than many Madoff victims. We were net losers and entitled to CIPC insurance and a 5-year tax loss — on 27 years of paid taxes.

Even so, the impact on us has been the difference from a life of security to one of constant financial stress. He is 84 + ~~is~~ wheelchair bound. I am 67, trying to cope and knowing I have my own old age to think about.

We both worked our whole lives, a story you have undoubtedly heard before. What many don't realize is that Madoff victims thought we were diversified — therefore all our savings were with Madoff and his accomplices.

Peter Madoff was a lawyer who helped defraud tens of thousands of people. He deserves more time in prison than the 10 years ~~has~~ the prosecution is asking. He'll walk free one day. We can't. Laura Stein

Victim: Charles Gevirtz
USAO Number: 2009R02082
Court Docket Number: 10-CR-00228

Insert the impact of the crime here (or, if a separate victim impact form is attached, please use that form to describe the impact of the crime):

I lost my retirement money,
could not afford good vacations
was living cheaply when unemployed without income.
The really bad crime is
the way SIPC The Trustee
and the SEC are
avoiding paying us the
amount on our account statements
up to \$500,000. or giving
us 9% interest per US
bankruptcy law and 15 USC 771(a)(2).
The SEC is ~~not~~ ignoring this
advice and illegally destroyed
documents. They had David Becker
as Council who spent more money
on his income and then negotiated
a settlement. He should have been
recused before working on the case for the SEC.
The FBI should investigate
The Trustee SIPC and Mary Shepiro
to see if she had a dirty past with
Madoff. She appointed Mark Madoff to
be on the 'Advisory Board' when his background
would not make him qualified.

I welcome the opportunity to vent my spleen regarding the Madoff fiasco.

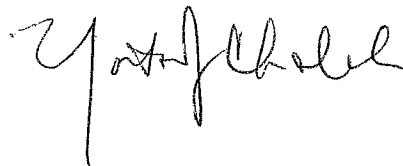
In the way of an introduction:

- 1)When Pearl Harbor was bombed I stood on line over night in order to enlist in the air force. I then flew 23 combat missions.**
- 2)After I was discharged, I worked hard, built a successful business and saved enough for a comfortable (well earned) retirement.**
- 3)Then my attorney introduced me to his golf partner, Bernie Madoff.**

I am now 90 years old and bankrupt. I have been waiting hopelessly to recover the money Madoff stole from me. At the very least, I expected to receive some compensation from my SIPC insurance. Four years have passed and I have received nothing and, I see no help coming from the U.S. Department of Justice.

Mr..Picard and his clan seem to be thriving while my cause seems to be hopeless.

**Morton J. Chalek
30 West 60th St, NY 10023**

A handwritten signature in black ink, appearing to read 'Morton J. Chalek', written in a cursive style.

Wendy Olsen
United States Attorneys Office
USAO - Southern District of New York
One St. Andrews Plaza
New York, NY 10007

Phone: (212) 637-1028
Fax: (212) 637-0084

RE: United States v. Defendant(s) Peter Madoff
Case Number 2009R02082 and Court Docket Number 10-CR-00228

Victim statement for sentencing hearing of Peter Madoff

Dear Judge Laura Swain:

Each month of the year evokes feelings and memories. Think of May and you would say the merry month of May, April showers, June brides, November is Thanksgiving month. Some months will always be attached to painful memories and for Madoff victims is December 11.

Painful memories brought on by a man made disaster which makes it even more horrendous.

December 11 2008 was a life changing and life altering event; a catastrophic event for thousands of people.

Peter and Bernard Madoff didn't just take my money, they took my sense of security, they took my freedom, my independence and they took my peace of mind.

I learned a lot about the lack of investor protection.

I learned that the agencies who were there to protect me failed me. The SEC didn't do its job. FINRA didn't do its job. The IRS approved Madoff as an IRA custodian and clearly didn't do its job.

I learned that even though the agencies were incompetent no one was fired; and some were even promoted.

I learned that although customers are supposed to be insured by SIPIC for broker theft and fraud they are not.

I learned that nothing has changed.

I learned a lot about the American legal system and justice.

I learned that you had better have something to trade.

How convenient that Bernard Madoff pleads guilty, was sentenced and had no trial. No questions asked or answered in an open court. Bernie said he did it alone but we know he didn't. Everyone who helped him is trading their information for time off.

Madoff victims know these names. If you had an IRA account you spoke with Frank DiPascali. He is still testifying and making a deal; while Daniel Bonventre, Annette Bongiorno and Joann Crupi are under investigation and living quite well. Employees

David Kugel, Enrica Cotellessa-Pitz and Eric Lipkin have pleaded guilty and are aiding prosecutors so should we assume they are making a deal?

What was Peter Madoff doing all this time? An attorney and chief compliance officer he worked with his brother Bernie for more than 40 years, and ran the daily operations for the past 20 years.

Peter had a lot to trade; he is going to walk away with a ten year plea deal if you let him. If he and his wife and daughter forfeit all of their ill gotten gains they will be just as poor as I am. He'll be out when he's 81 and my husband will be 91. He can start over like my husband and I did.

My husband and I are considered net winners; we've lost everything and will not receive a dime. We are both driving the cars we owned in 2004 and pray nothing happens to them. We live on our Social Security "entitlements", investment from IRS tax rebate and help from family members. Life goes on I can assure you, but life is not the same. Peter is asking to go to his granddaughters Bat Mitzvah. My grandson will be a Bar Mitzvah in November. I don't know how we can go to New York from Florida? How can we pay to fly? How much would it cost to drive? What about food and lodging? Where will we stay when we get to New York? How much does a motel cost and how many days must we stay?

Thanks Madoff brothers.

Peter Madoff was educated in the law. He was savvy enough to help create the computerized trading system. He worked closely with his brother for years. He aided and abetted his brother and helped the scheme to continue and thrive. He did a lot of damage over a long period of time. He ran the daily operations for the past 20 years and he should be sentenced to the same amount of time.
20 years.

Thank you for taking the time to read this letter.

Most sincerely,

Natalie Erger

Direct Investor sentenced by Madoff to a lifetime of financial ruin and emotional unrest.

Victim: Victor Altieri
USAO Number: 2009R02082
Court Docket Number: 10-CR-00228

Insert the impact of the crime here (or, if a separate victim impact form is attached, please use that form to describe the impact of the crime):

I COULD NEVER IMAGINE I WOULD
BE A VICTIM LIKE MANY OTHERS OF THIS CRIME.
I RETIRED FROM MY JOB EARLY HOPING TO
USE MY MONEY AS A CUSHION, IN 1976
NYC POLICE DEPT. PENSIONS WERE LITTLE LESS
THAN DISASTROUS. THE LOSS WAS SEVERE, I
HAD FIVE CHILDREN AND A MORTGAGE TO DEAL WITH.
I AM A WORLD WAR TWO MARINE VET.
AND I PERSUADE YOU TO GET MY HARD
EARNED MONEY BACK AS SOON AS POSSIBLE.
I HAVE FACED DEATH MANY TIMES TO
EARN IT.

P.S.

IM 85 YEARS OLD AND I DON'T
APPRECIATE ALL THESE DELAYS FOR REEMBURSEMENT.

Victor S. Altieri

12/16/12

Victim: Inez Altieri
USAO Number: 2009R02082
Court Docket Number: 10-CR-00228

Insert the impact of the crime here (or, if a separate victim impact form is attached, please use that form to describe the impact of the crime):

I CANNOT EVEN put into WORDS how DEVASTATING THIS WAS TO US. WE ARE SENIOR CITIZENS AND REALLY COUNTED ON THAT MONEY TO SUPPLEMENT OUR NEEDS. YES! EMOTIONALLY, IT WAS VERY DRAINING AND FINANCIALLY WE ARE STRUGGLING to Keep OUR HOME AND pay OUR BILLS. I PROGRAMMED MYSELF NOT TO THINK ABOUT OUR LOSS, BECAUSE IF I dwell ON IT, I will become ill. I TRULY hope THAT WE WILL BE ABLE TO RECOVER some of OUR MONEY AND Hopefully soon.

Mrs Altieri

Victim Impact Statement

Victim: Richard and Deborah Ashenfarb

USAO Number: 2009R02082

Court Docket Number: 10-CR-00228

December 15, 2012

I feel as if I've written this letter in various forms over the last four years, and I'm not sure why I bother. However, here we go again.

My husband and I were victims of Bernard Madoff, due to an inheritance from my parents, who invested with him in the late 1980's - early 1990's. They passed away respectively in 2001 and 2002, at which time I *allegedly* inherited approximately \$1M. At that time, my husband and I worked together - he was the owner of a small residential real estate company in south Florida. Until approximately 2007 the market was pretty good and we survived without using very much of our inheritance. However, when the real estate market virtually "crashed" in south Florida, we were hesitant to use any of that money, but had no choice due to our business and living expenses.

We all know the rest is history. In 2008 we were devastated to learn that we actually had no money and it's been a struggle since then. We no longer have health insurance (I am 64; my husband is 57) although next year, 2013, I will qualify for Medicare. I am lucky enough to have secured a P/T job; my husband is currently still working in real estate, but it's strictly commission, and since we have returned to NYC due to better job opportunities than south Florida, and although we live extremely meagerly it is difficult to make ends meet.


Our lives have been turned upside down by this situation, and I am contemplating applying for Food Stamps which is something I don't want to do, but may not have a choice.

My husband and I genuinely hope all those involved in this matter are punished to the full extent of the law, and I know we're not alone in our plight. I know there are many more victims of this crime who are "little people" like us who now have to figure out how the future will play out. It is quite terrifying at this stage in life to no longer have a nest egg, health insurance, or any type of security whatsoever.

Nevertheless, we are endeavoring to survive and to be joyful about life, because ultimately that is the best revenge!

Thanks for listening.

Deborah and Richard Ashenfarb

A handwritten signature in black ink, appearing to read "Deborah and Richard Ashenfarb", written in a cursive style.

VICTIM IMPACT STATEMENT

U. S. Department of Justice
United States Attorney's Office
USAO - Southern District of New York
One St. Andrews Plaza
New York, New York 10007

December 16, 2012

Att: Wendy Olsen
Victim Witness Coordinator

Re: Peter Madoff

Dear Ms. Olsen:

I am Robert Roman. My wife is Joan Alpern Roman. She is the sister of Ruth Alpern Madoff. Ruth Madoff is the wife of Bernard L. Madoff. That makes Bernard L. Madoff my brother-in-law and Peter Madoff the brother of my brother-in-law.

The financial disaster that came on December 11, 2008 took the entire amount of our life savings and the life savings of my three daughters and their families. My family and I understand that Peter Madoff is about to begin the sentencing proceeding for his part, to which he has pleaded guilty, in the crimes committed at Bernard L. Madoff Investment Securities LLC.

My wife and I realized very early on that at ages 71 and 74 we had to start over. We are now working as the owner/operators of an airport limousine service we created in Boca Raton, Florida in January, 2009. After three and a half years we are now able to pay our bills.

Our oldest daughter and her family lost their home almost immediately. My middle daughter and her family held on until just last month when they lost their home. All of this will become relevant at the end of this letter.

I first met Bernard and Peter Madoff on February 12, 1954. I went to the "Alpern" home to meet Joan who was a "blind" date for the evening. Ruth and Bernard were there to witness the event. I have been a member of the family since that day. Joan and I were married June, 1956. Not until 1958 did I spend a lot of time with Peter.

When Bernard was a student at Hofstra University he started a business; "Campus Lawn Sprinklers". Bernard's job was to solicit new customers for underground sprinkler systems. Peter and I spent many months together from 1958 through 1960 crawling on the ground from 7:00AM to 7:00PM digging trenches in peoples' lawns. You get to know someone very well that way.

You will accumulate a large stack of "Impact Statements" from close intimates of Peter attesting to his outstanding character, civic achievements, and so on. I see no point in trying to out-do and compete with those who have better communications skills than I. I am going to assume you have reviewed all of the others and now have a good idea what a real "American Idol" Peter Madoff truly is. Please accept the fact that my family and I were there for 58 years and bear witness to everything exceptional told to you about this great gentleman.

Peter Madoff achieved, in a very short period of time, great wealth. We now know that most of this was as a result of his failure to do due diligence as a Senior Compliance Officer. As a direct result of that failure in judgment the crime continued until thousands lost millions. Without his complicity this financial tsunami may have been stopped many years ago. It is relevant, however, to note that his confession is very narrow in scope relative to BLMIS. He maintains his innocence of any knowledge that what he was doing, and not doing, was enabling the "Ponzi" scheme to continue. So what is our judicial system going to do about his guilty plea and sentencing?

Peter Madoff has already been imprisoned for 20 years. A prison of his own making. The first time he let "slide" a document put in front of him by his brother and intimidated by the command; "Sign it!", and he did, his sentence began. My family and I anguish over what must have been his torment from that moment on. Our Federal Prison System will never construct a prison or our courts a judicial system to make his life more miserable than the one he created for himself and he will never – ever - after that moment - have one moment of peace. It is pure folly to assume a prison sentence will be a greater punishment than the one he is giving to himself. There have been rumors that his brother is kinda relieved to be where he is.

Bernard Madoff had control of the greatest weapon of mass destruction ever created. It was his check book. To be seduced by that weapon is the ultimate temptation. Peter was victimized as much as Bernard's "investors" were. His fear of his brother's domination and back-yard bullying, personally witnessed in real time by me, should not have prevailed. My family will not cast one stone for that failure nor will we receive satisfaction by the incarceration of Peter Madoff.

Our friend got into this situation from human frailty. His judgment became more clouded with each paycheck. For 20 years his life of luxury was paid for by my family. We used to thank Peter for dinner and Bernard for riding on his yacht. Have you any idea what it is like to now know that it was our yacht. We gave him our money for stocks, not yachts. What is my family to do? And we now get to the point of my "Impact Statement" to you.

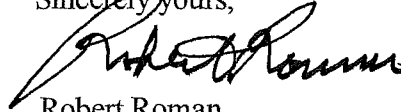
The psychologist have a name for it. Cognitive dissonance. That is when reality contradicts your experience of what reality SHOULD be suggests to your mind. In other words you see one thing and you expect that another thing is what it should be. My family should hate him. See above. We will love and admire our Peter Madoff forever. Nothing will ever change that.

He was complicit in destroying the current and future financial health of my family. Our family should join the bleating mob in front of your courthouse; "Lynch him. Crucify him". This letter is from five victims (Robert Roman, Joan Roman and our three children) who think otherwise. Our family is supposed to hate him. But – we do not. Why? Because prison is where Charles Manson belongs. That is a solution to his situation. Peter in prison is an answer only to those who seek revenge. It is not a solution. Justice is the only suitable solution for Peter Madoff. For Peter Madoff justice is already in progress. He will never appear in public again without fear. What is required here is a distinction between those with larceny in their hearts and those like Peter Madoff.

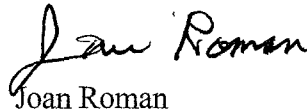
For what purpose is Peter Madoff in prison? I would like to see just one letter sent to the court from anyone who has ever said, "Thank you for sending Peter Madoff to prison. I will stop immediately (the prison-deterrent excuse) from doing the same bad thing he did and that I have been doing."

Our family has lost everything except our faith in ourselves and each other. We are recovering nicely – thank you. We wish only the same for all victims. We ask; How in the world will 10 years in prison do anything to improve restitution to any victims and create viable oversight of the financial services industry?

Sincerely yours,

A handwritten signature in black ink, appearing to read "Robert Roman", written in a cursive style.

Robert Roman

A handwritten signature in black ink, appearing to read "Joan Roman", written in a cursive style.

Joan Roman

Our three daughters

Victim Impact statement

Diane Meyer
USAO #2009R02082
Court Docket #:10-CR-00228

My most recent employer requested that I speak to an EAP counselor to find out why I'm distressed or coping at lower levels than others. I was in Palm Beach Probate court against Madoff and Cohmad starting in 1999. My step mother and half siblings Marcia Quinn Meyer, Frank, Peter, Patricia, Rachel and Cynthia Meyer have been living tax-free, better off than kings because of Ultimate Software stock was \$7 when my father died on September 6, 1999.

Ultimate Software stock is ULTI \$91.50.

There were originally 89,000 IPO shares that were in a bank account that executor Frank Meyer put in an estate bank account and started selling "to pay bills". My father Edward J Meyer of Boca Raton FL and New York was friends with Mr. Scherr was issued and owned 198,000 shares of ULTI registered IPO stock.

Those remaining 103,009 shares of ULTI (\$91) were in a Cohmad account. Richard Spring had 4 versions of how change was made. The fact is Cohmad or "my family" picked up a pen and crossed out Estate of Edward Meyer and Marcia Meyer was written above.

1. Today that handwritten change is worth \$8,652,000.

Thirteen years later I live in a neighborhood full of depressing trailers from 1970 era in North Carolina which employers notice.

2. My family along with my stepmother, Richard Spring, Cohmad, and Madoff employees and family have tax-free inheritance from my father Edward Meyer's Madoff Investments account held in custody at Retirement Accounts Inc worth \$1.8 million in 2000

Lacking one share of ULTI and living in North Carolina I hired attorneys and spent more than I could afford about \$70,000 but it was never enough against family favoring Bear Stearns, and Richard Spring, Cohmad, Madoff, and Proskauer Rose. The court appointed an administrator Ad Litem due to my attorney's objection that no inventory had been filed did not provide an accounting of seven years of distributions. I tried to find employment by taking big risks and relocating and failing three times. I took another big risk and tried to start a small business during the recession. I some idea how my life got from where I started when I graduated from Florida Atlantic in Boca Raton into this pattern of losing behavior. IRA document arbitration was a joke following seven years of probate and ad litem distributions and losing. I'm stuck in a pattern and cycle of lost jobs, lost friends, and a coping levels were one morning my boss called about some minor thing at work and my mind was stuck with only one thought as my solution to I can't take it anymore. In sum, survival mode stopped and suicide started. Even after failing federal government training three times in Glynco GA I finally was hit with suicide. For the first time in 51 years I picked up the phone and called a suicide hotline because maybe I am trying to survive. Parents don't betray children. I am 51 and jobs don't come around at that age. Stepmother Marcia Quinn Meyer is financially taking care of Rachel Meyer, 57. Marcia and Richard Spring were deposed together. One man with \$143 billion, court entanglement and arbitration in this neighborhood leave me powerless in warzone.